

**Notice of Allowability**

Application No.

10/621,353

Applicant(s)

KANG ET AL.

Examiner

Art Unit

SUSAN HANLEY

1651

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/14/08.
2. ☒ The allowed claim(s) is/are 1,2,4,7-9,11 and 12.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20080215.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Sean Myers-Payne on 2/14/08.

The application has been amended as follows:

#### IN THE CLAIMS:

Claim 1 was replaced by the following:

-- 1. A method for purifying teicoplanin A<sub>2</sub> comprising:

(i) purifying a filtrate of a fermentation broth comprising teicoplanin A<sub>2</sub> on a synthetic polymeric adsorbent, to obtain a primary purification solution;

(ii) purifying the primary purification solution on a cation exchange resin having a cross-linkage of over 8% resin; a chelate resin; or a resin selected from the group consisting of acidic porous resins comprising a styrene polymer matrix, acidic cation exchange resins comprising a porous styrene polymer matrix, and gel-type acidic polymer resins, to create a secondary purification solution;

(iii) purifying the secondary purification solution on a reversed phase resin, to create a tertiary teicoplanin A<sub>2</sub> purification solution; and

(iv) drying the tertiary teicoplanin A<sub>2</sub> purification solution to form a powder. --

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In claim 2, at lines 1-2, the phrase "synthetic absorbent" was replaced by -- synthetic polymeric absorbent --.

Claim 4 was replaced by the following:

-- 4. The method according to claim 1, wherein the synthetic polymeric adsorbent used in step (i) is eluted with purified water containing acetone in a concentration of 50 to 80%. --

Claims 7 and 8 were replaced by the following:

-- 7. The method according to claim 1, wherein the resin used in the secondary purification step (ii) is regenerated by sequentially washing the resin with sodium hydroxide and a weak acid solution then, purified water so that the final eluate of purified water has a pH in the range of 4.5 to 7.0.

8. The method according to claim 1, wherein the resin used in the secondary purification step (ii) is eluted with purified water having a pH in the range of 10 to 13. --

Claim 11 was replaced by the following:

-- 11. The method according to claim 1, wherein the reversed phase resin used in the tertiary purification step (iii) is purified water containing acetone or acetonitrile in a concentration of 20 to 30%. --

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUSAN HANLEY whose telephone number is (571)272-2508. The examiner can normally be reached on M-F 9:00-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Susan Hanley  
Patent Examiner  
AU 1651



**SANDRA E. SAUCIER**  
**PRIMARY EXAMINER**